



Appeal Decision

Site visit made on 28 July 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2020

Appeal Ref: APP/X2410/W/20/3253057

49 Brighton Avenue, Syston LE7 2ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Peberdy against the decision of Charnwood Borough Council.
 - The application Ref P/19/2399/2, dated 25 November 2019, was refused by notice dated 15 January 2020.
 - The development proposed is the demolition of existing single storey garage/workshop and sheds to be replaced with a new build detached 2 bedroom dwelling over 2 storeys, with off-road parking provision.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal the appellant submitted additional plans - Gross Internal Floor Area Analysis drawing number 19/021 rev A and Vehicle Tracking Plans.
3. To avoid the risk of prejudicing interested parties it would only be appropriate for me to take the documents and plans into account if all interested parties had been given an opportunity of making further representations. The additional plans were submitted with the appeal and interested parties would have been notified of the appeal.
4. The additional information does not materially alter the proposed scheme, and only provides additional context. In addition, cropped versions of the Vehicle Tracking Plans were shown within the Design and Access Statement. Having regard to the Wheatcroft principles¹ and guidance², I am satisfied that there is no risk of prejudice if I was to take the plans into account.
5. Since the Council determined the application, the Supplementary Planning Document (SPD) Leading in Design (2006) referred to in the Council's Decision notice has been superseded by the Charnwood Design SPD which was adopted on 16 January 2020. Therefore, I have determined the appeal on this basis.

¹ Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

² Procedural Guide Planning Appeals – England

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the site and surrounding area;
- the effect of the proposed development on the living conditions of the future occupiers, with particular reference to the size of the accommodation and outdoor space; and
- the adequacy of car parking and its effect on highway safety.

Reasons

Character and appearance

7. The appeal site is an area of land associated with 49 Brighton Avenue, a 3 bedroom semi-detached house. The land is located between the existing house and the adjacent property. The site is situated at a point in the road where it curves towards the nearby roundabout junction. To the side of the dwelling there are various outbuildings and a carport, as well as an area of hardstanding for parking. The site is a wedge shape, which narrows towards the rear.
8. The area is predominately residential, and a large part of the road is characterised by single storey bungalows. However, there are also other house types on the road, with the area nearest the appeal site largely comprised of 2 storey dwellings in terrace and semi-detached designs of a similar style and construction. The host and adjacent properties are of red brick and feature hipped roofs.
9. The proposal is for a 2-storey detached residential dwelling which would replace the existing garage, workshop and sheds that are currently located to the side of the existing dwelling. The Design and Access Statement states that the dwelling would be constructed in red brick, with white UPVC windows and doors and interlocking concrete tiles. The proposal also includes the widening of the dropped kerb across the whole site. To the front of the proposed dwelling there would be 2 parking spaces for the new property, and 2 spaces for the host dwelling.
10. The dwellings either side of the proposal are relatively wide in their design, have hipped roofs and are attached to the neighbouring property. The proposed dwelling would be detached and narrow in comparison, and it would have a gable roof fronting the street. To the rear, the property would step in to fit in with the shape of the site and would taper in towards the rear elevation. Whilst I note that the proposal would have a pitched roof and be similar in height to the nearby dwellings, when viewed from the front it would appear as a cramped development within the street scene.
11. Whilst I note that the gap between the host property and No 47 might be larger than average, the introduction of a dwelling in this space would significantly alter the openness that currently exists between the 2 dwellings. The larger than average gap is reflective of the curvature and layout of the road. The size and shape of the plot would be at odds with the general pattern of development near to the site, and the proposed development would appear

as a stark and incongruous feature within the street scene, which would be made more prominent by the bend in the road.

12. The appellant has suggested that proposal would improve the current appearance of the site. However, the existing outbuildings could be removed without planning permission if the appellant no longer required them or wished to alter the appearance of the site, therefore, this would not overcome the harm that I have identified above. The appellant has also stated that No 68a was granted permission in 2011 opposite the site and sits between similar hipped roof buildings and bears no typological reference to its context. However, the presence of this development does not necessarily make this proposal acceptable and I do not have full details of the scheme before me to determine why this scheme was approved. In any case, each proposal must be determined on its own merits, which is what I have done.
13. The Council has stated that the widening of the dropped kerb and the expanse of hard-surfaced area would also be detrimental to the character and appearance of the street scene. However, I note that a number of properties have dropped kerbs and hard standing to the front of the properties. Therefore, I do not consider this aspect would be harmful or significantly at odds with nearby properties.
14. The proposed development would have a harmful effect on the character and appearance of the site and surrounding area. Therefore, it would be contrary to Policy CS2 of the Charnwood Local Plan Core Strategy (2015) and Saved Policy EV/1 of the adopted Borough of Charnwood Local Plan (2004) and the Design Supplementary Planning Document (2020). These Policies and guidance, amongst other things, require development to respond positively to their context and to respect and enhance the character of the area.

Living conditions

15. The Council has suggested that the proposal would not meet the Department for Communities and Local Government 'Technical housing standards – nationally described space standard' (2015) which recommends that a 2 bed (3 person) 2 storey dwelling has an internal area of 70m². However, the appellant has provided a plan³ to show that the proposal would have 35m² on the ground floor and 35.5m² on the first floor which would follow the advice in the technical housing standards document of how the gross internal floor area should be measured.
16. In terms of the outdoor space, the Council has stated that the rear garden, when combined with poor outlook and limited access to natural daylight, would cause a poor level of amenity for future occupiers. Whilst the proposal would have a smaller than average garden in comparison to the dwellings in the surrounding area, given that the proposal is for a 2 bedroom house, there would be adequate space for garden activities such as hanging washing, areas to sit, as well as space for the storage of residential paraphernalia.
17. I note the Council has referred to outlook and daylight in the officer report, however, these were not included within the reasons for refusal. The garden would be bordered by wooden fencing and would be situated between and next to, the gardens of the existing nearby dwellings, therefore, the outlook in the

³ drawing number 19/021 rev A

garden area would be similar to the adjacent dwellings. Whilst the garden would be north facing, it would still receive daylight. Therefore, I do not consider that these elements would be materially harmful to the living conditions of the future occupiers.

18. The proposal would not have a harmful effect on the living conditions of the future occupiers. Therefore, it would accord with Policy CS2 of the Charnwood Local Plan Core Strategy (2015) and Saved Policy EV/1 of the adopted Borough of Charnwood Local Plan (2004). These Policies, amongst other things, require development to protect the amenity of people who will live in the new development.

Parking

19. The depth of the frontage of the host property would measure 4.7 metre. The Council has suggested that this would be an insufficient depth to accommodate car parking and would not meet the current adopted standards. One of the spaces is also shown as being 90 degrees to the road. The proposal would meet the standards of parking by providing 2 spaces for the new property and 2 spaces for the host property. However, the Council states that these spaces would have limited pedestrian visibility to the west due to the bend in the road and that the existing boundary treatment is on land which lies outside the applicant's control.
20. The appellant has provided vehicle tracking plans which show that an estate vehicle could park and manoeuvre from the space shown at 90 degrees and would just fit on to the front of the drive when parked towards the host property. I observed on my site visit that there is a mixture of properties which do and do not have parking to the front. A number of the properties on the road had introduced hardstanding to the front of their property and were using it to park vehicles, including some at 90 degrees to the road. Road-side parking is common all the way along Brighton Avenue as there are no restrictions in place.
21. Whilst the proposal would not meet the adopted standards, Saved Policy TR/18 of the adopted Borough of Charnwood Local Plan (2004), states that the adopted standards will be used as a starting point in assessing the level of provision required. I note that the area to the front of the host property is already used for the parking of vehicles and I have no substantive evidence before me to suggest the current arrangements of the host property or the parking arrangements of the other dwellings in the road have caused issues of highway safety. The proposal would result in one additional dwelling and would be unlikely to result in severe cumulative highway impacts or issues of highway safety.
22. The proposal would therefore accord with Saved Policy TR/18 of the adopted Borough of Charnwood Local Plan (2004). This Policy requires development to provide off-street parking for vehicles to secure highway safety and minimise harm to visual and local amenities.

Other Matters

23. I note that there were no objections to the proposal from neighbouring occupiers, however, this is neutral in the planning balance and does not necessarily mean the proposal is acceptable.

24. The Council has suggested that the proposal would not be considered suitable for occupation for a growing family for which there is the most need in the Borough. However, as the proposal provides 2 bedrooms, it could reasonably accommodate a small family household. Therefore, the proposal is acceptable in this regard.

Conclusion

25. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR